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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,872	09/27/2001	Edward Zheng	USP1550A- TAI	4949

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EXAMINER

BROWN, PETER R

ART UNIT

PAPER NUMBER

3636

DATE MAILED: 05/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Applicant(s) N .

09/966,872

Applicant(s)

ZHENG, EDWARD

Examiner

Peter R. Brown

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 16-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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Claims 16-20 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 4.

Note that while the applicant included claims 16-20 in his grouping of the elected claims, it is clear that claim 16 is directed to non-elected figure 7, wherein the cover is detachably mounted to a support layer.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang in view of either Malis or Fischer.

Tang shows a folding chair substantially as claimed with the exception of having a cushioned support surface. Both Malis (figs. 1-4) and Fischer (fig. 4) teach the conventionality of providing a foldable occupant support structure with a cushioned support for added comfort, and in view of these suggestions, to have formed the supporting member of Tang as a cushioned support, would have been obvious to one with ordinary skill in the art.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tang, Malis and Fischer as applied to claims 1,10 and 13 above, and further in view of Haberkorn.

The use of an elongated tape for securing the ends of quilted or cushioned members is shown to be old and well known in the art by Haberkorn (fig. 4), and to have utilized such for the ends of the support of Tang, as modified above, would have been an obvious modification to one with ordinary skill in the art.

Claims 3,4,11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claims 1,2,10 and 13 above, and further in view of Aoki et al.

Figures 1-4 teach the formation of a cushioned support member for a seat wherein the layers are bonded together, and in view of this suggestion, to have bonded the layers of the support member of Tang, as modified above, for purposes of durability, would have been obvious to one with ordinary skill in the art.

Claims 5-9,12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to the claims above, and further in view of Goodman et al.

To have provided the seat support of Tang, as modified above, with an additional layer, for added strength, support and comfort, would have been an obvious modification to one with ordinary skill in the art, as such is shown to be conventional and old in the art as shown by Goodman et al (Figs. 2,3).

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The provision of partitions in cushioned support member is old and well known in the art as shown by Malis, and whether tape is utilized for such is considered a matter of design choice and obvious mechanical expediency.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Grams, Tesch, Wu, and Allbaugh show various features of the invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter R. Brown whose telephone number is 703-308-2103.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

  
Peter R. Brown  
Primary Examiner  
Art Unit 3636

prb  
May 19, 2003